

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00

DOTE-00 FMC-02 INR-10 NSAE-00 CG-00 DLOS-09

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R 151717Z FEB 78

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 6320

UNCLAS OTTAWA 00762

E.O. 11652:N/A

TAGS: EWWT, CA

SUBJECT: MEMORANDUM OF ARRANGEMENTS ON GREAT LAKES

PILOTAGE

REF: STATE 48910, MARCH 4, 1977.

1. REFTEL INSTRUCTED EMBASSY TO PROVIDE CANADIANS WITH DRAFT OF US NOTE RELATING TO THE MEMORANDUM OF ARRANGEMENTS ON GREAT LAKES PILOTAGE. DRAFT WAS GIVEN TO EXTERNAL AFFAIRS MARCH 8, 1977. CANADIAN COMMENTS ON OUR NOTE AND THEIR PROPOSED REPLY RECEIVED FEBRUARY 14.

2. TEXT OF CANADIAN LETTER INCLUDING COMMENTS AND PROPOSED REVISIONS TO OUR NOTE FOLLOWS:

QUOTE. I REFER TO MR. O'CONNOR'S LETTER OF MARCH 8, 1977, TO MRS. PATRICIA LORTIE OF THIS DIVISION CONCERNING THE EXCHANGE OF NOTES RELATING TO THE MEMORANDUM OF ARRANGEMENTS ON GREAT LAKES PILOTAGE. I VERY MUCH REGRET THE DELAY IN REPLYING TO MR. O'CONNOR'S LETTER.

WE ARE IN AGREEMENT WITH THE SUBSTANCE OF THE DRAFT NOTE, HOWEVER, WE WOULD LIKE TO SUGGEST A REVISION INVOLVING THE LANGUAGE IN THE SECOND PARAGRAPH (VIZ. "AND FURTHER THAT UNCLASSIFIED

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SUCH ARRANGEMENTS AS MAY BE MADE FROM TIME TO TIME TO ESTABLISH OR AMEND REGULATIONS PURSUANT TO PARAGRAPH 7 OF THE ANNEXED MEMORANDUM OF ARRANGEMENTS SHALL BE CONCLUDED BETWEEN THE SECRETARY AND THE MINISTER".) IN OUR VIEW THIS CLAUSE IS UNNECESSARY SINCE PARAGRAPH 7 OF THE MEMORANDUM OF ARRANGEMENTS CONTAINS NO IMPLICATION THAT FURTHER EXCHANGES OF NOTES WOULD BE REQUIRED WHENEVER THE MINISTER

OF TRANSPORT AND THE SECRETARY OF TRANSPORTATION AGREE ON REGULATIONS IMPOSING RATES, CHARGES, OTHER CONDITIONS OR TERMS FOR THE SERVICES OF PILOTS. WE WOULD ALSO SUGGEST THAT IN THE SECOND PARAGRAPH OF YOUR NOTE THE WORDS "AS WELL AS SUBSEQUENT INTERAGENCY INTERIM ARRANGEMENTS OF MARCH 18, 1975" BE DELETED.

SINCE THE MEMORANDUM OF ARRANGEMENTS BECAME EFFECTIVE ON JANUARY 18, 1977, THE AGREEMENT CONSTITUTED BY THE NEW EXCHANGE OF NOTES COULD BE RETROACTIVE WITH EFFECT FROM THAT DATE. IF YOU AGREE TO THAT PROPOSAL, THE FINAL LINE OF YOUR NOTE COULD READ "WHICH CONSTITUTES AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER INTO FORCE ON THE DATE OF YOUR REPLY WITH EFFECT FROM JANUARY 18, 1977".

I ATTACH FOR YOUR INFORMATION A DRAFT CANADIAN NOTE IN REPLY.

ONCE AGAIN, I APOLOGIZE FOR THE DELAY AND WOULD HOPE THAT WE MAY PROCEED TO THE FORMAL EXCHANGE OF NOTES AS SOON AS POSSIBLE. UNQUOTE.

3. TEXT OF CANADIAN DRAFT NOTE IN REPLY TO OUR NOTE FOLLOWS:

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QUOTE. EXCELLENCY,

I HAVE THE HONOUR TO REFER TO YOUR NOTE NO. (SPACE) OF (SPACE) 1978 AND THE MEMORANDUM OF ARRANGEMENTS ON GREAT LAKES PILOTAGE ANNEXED THERETO, SIGNED BY THE MINISTER OF TRANSPORT OF CANADA AND THE SECRETARY OF TRANSPORTATION OF THE UNITED STATES, WHICH BECAME EFFECTIVE ON JANUARY 18, 1977.

THE GOVERNMENT OF CANADA ACCEPTS YOUR PROPOSALS THAT THE EXISTING ARRANGEMENTS FOR THE REGULATION OF PILOTAGE SERVICES ON THE GREAT LAKES BE REPLACED BY THE MEMORANDUM OF ARRANGEMENTS SIGNED ON JANUARY 17, 1977 BY THE UNITED STATES SECRETARY OF TRANSPORTATION AND ON JANUARY 18, 1977 BY THE MINISTER OF TRANSPORT OF CANADA.

ACCORDINGLY I HAVE THE HONOUR TO STATE THAT THE GOVERNMENT OF CANADA AGREES THAT YOUR NOTE, TOGETHER WITH THE MEMORANDUM OF ARRANGEMENTS ANNEXED THERETO, AND THIS REPLY, WHICH IS AUTHENTIC IN ENGLISH AND FRENCH, SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS ON THIS MATTER WHICH SHALL ENTER INTO FORCE ON THE DATE OF THIS NOTE

(WITH EFFECT AS FROM JANUARY 18, 1977). IT IS FURTHER
UNDERSTOOD THAT THIS AGREEMENT SHALL SUPERSEDE THE AGREE-
MENT EFFECTED BY THE EXCHANGE OF NOTES OF JULY 6, 1970 AS
AMENDED BY THE EXCHANGE OF NOTES OF AUGUST 11, 1970.
ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST .
CONSIDERATION. UNQUOTE.

4. DEPARTMENT INSTRUCTIONS REQUESTED. ENDERS

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NNN

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